

SMILEY WANG-EKVALL, LLP
Lei Lei Wang Ekvall, State Bar No. 163047
lekvall@swelawfirm.com
Philip E. Strok, State Bar No. 169296
pstrok@swelawfirm.com
Timothy W. Evanston, State Bar No. 319342
tevanston@swelawfirm.com
3200 Park Center Drive, Suite 250
Costa Mesa, California 92626
Telephone: 714 445-1000
Facsimile: 714 445-1002

Attorneys for Elissa D. Miller,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**STIPULATION AUTHORIZING
RESERVATION OF FEES AND
EXPENSES AND DISTRIBUTION OF
SETTLEMENT PAYMENT TO CLIENT
(H.B./ROUTE 91)**

[No Hearing Required]

TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:

Elissa D. Miller, the chapter 7 trustee of the bankruptcy estate of Girardi Keese (the "Trustee"), Angelo & White APC ("AW"), Panish Shea & Boyle LLP ("PSB"), and H.B. (the "Client"), through their attorneys, enter into this *Stipulation Authorizing Distribution of Settlement Payment to Client* (the "Stipulation") as follows:

RECITALS

A. On December 18, 2020 (the "Petition Date"), an involuntary chapter 7 bankruptcy petition ("Petition") was filed against Girardi Keese ("Debtor"). As of the filing

1 of the involuntary petition, Debtor was counsel of record in a significant number of
2 matters which were undertaken on a contingency basis.

3 B. The petitioning creditors moved for the appointment of an interim trustee
4 which was granted by the Court by order entered January 5, 2021. The Trustee was
5 appointed as the interim chapter 7 trustee on January 6, 2021. The order for relief was
6 entered January 13, 2021 and, the same date, the Trustee was reappointed and has
7 been serving in that capacity since.

8 C. Prior to the Petition Date, the Debtor and AW were retained by the Client to
9 represent her in an action pending in the Eighth Judicial District Court, for the County of
10 Clark, Nevada, entitled *Rachel Sheppard, et al, v. MGM Resorts International, et al*, Case
11 No. A-18-769752-C (the "Route 91 Case").

12 D. Pursuant to the fee agreement, the Debtor and AW were to receive a
13 percentage of the gross settlement payments (the "Contingency Fee"), plus
14 reimbursement of costs. In 2020, the Debtor associated PSB to prosecute the case on
15 behalf of the Client.

16 E. The Debtor incurred costs of \$443.65 and PSB incurred costs of \$1,212.26.

17 F. The Trustee is advised that the Client has reached a settlement in the
18 Route 91 Case. Based on the settlement amount, the Contingency Fee is \$255,621.93.
19 The Trustee, AW, and PSB have negotiated an allocation of the Contingency Fee, which
20 is being memorialized in a separate written agreement.

21 G. Certain providers have asserted medical lien(s) against the settlement
22 proceeds in the amount of \$9,556.48. The basis and amount of the lien is disputed (the
23 "Disputed Lien").

24 H. To prevent any delay in the disbursement of the settlement funds to the
25 Client, the parties have agreed that PSB will reserve (1) the Contingency Fees,
26 (2) \$1,655.91 in costs, and (3) the full amount of the Disputed Lien from the Client's
27 proceeds pending resolution of the Disputed Lien and the allocation of the attorneys'
28

1 fees. The Trustee will seek court approval of the agreement regarding the Contingency
2 Fees pursuant to a 9019 motion.

3 I. Due to the Debtor's bankruptcy, the parties are seeking confirmation of the
4 proposed distribution of the Settlement Amount as set forth in this Stipulation.

5 **STIPULATION**

6 In light of the foregoing, the parties stipulate as follows:

7 1. PSB will reserve and hold in trust \$255,621.93, representing the full amount
8 of the Contingency Fee, pending an agreement regarding the allocation of the fees and
9 the Bankruptcy Court's approval of the agreement pursuant to 9019 motion;

10 2. PSB will reserve and hold in trust the total of \$1,655.91 in costs,
11 representing the Debtor's costs of \$443.65 and PSB's costs of \$1,212.26;

12 3. PSB will reserve \$9,556.48 in trust, the full amount of the Disputed Lien,
13 pending a resolution of the dispute; and

14 4. The balance of the Settlement Amount, or \$585,238.77, may be remitted by
15 PSB to the Client.

16 **IT IS SO STIPULATED.**

17
18 DATED: May 19, 2021

SMILEY WANG-EKVALL, LLP

19
20 By: /s/ Lei Lei Wang Ekvall

LEI LEI WANG EKVALL

21 Attorneys for Elissa D. Miller, Chapter 7
22 Trustee

23 DATED: May 19, 2021

ANGELO & WHITE APC

24
25 By: 

26 Joseph Angelo

27
28 [Signatures continued on next page]

SMILEY WANG-EKVALL, LLP

3200 Park Center Drive, Suite 250

Costa Mesa, California 92626

Tel 714 445-1000 • Fax 714 445-1002

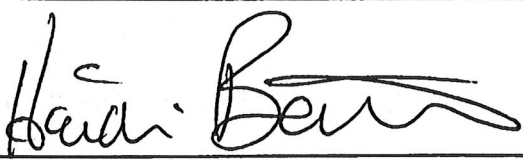
1 DATED: May 18, 2021

PANISH SHEA & BOYLE LLP

2
3 By:


Matthew Stumpf

4
5
6
7 DATED: May 18, 2021


H.B. (Client)

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION AUTHORIZING RESERVATION OF FEES AND EXPENSES AND DISTRIBUTION OF SETTLEMENT PAYMENT TO CLIENT (H.B./ROUTE 91)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) May 19, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) May 19, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell U.S. Bankruptcy Court Roybal Federal Building 255 E. Temple Street, Suite 1660 Los Angeles, CA 90012
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☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 19, 2021

Date

Gabriela Gomez-Cruz

Printed Name

/s/ Gabriela Gomez-Cruz

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com; gcruz@swelawfirm.com; jchung@swelawfirm.com
•Rafey Balabanian rbalabanian@edelson.com, docket@edelson.com
•Michelle Balady mb@bedfordlg.com, leo@bedfordlg.com
•William C Beall will@beallandburkhardt.com, carissa@beallandburkhardt.com
•Ori S Blumenfeld Ori@MarguliesFaithLaw.com,
Helen@MarguliesFaithLaw.com; Angela@MarguliesFaithLaw.com; Vicky@MarguliesFaithLaw.com
•Richard D Buckley richard.buckley@arentfox.com
•Marie E Christiansen mchristiansen@vedderprice.com, ecfladocket@vedderprice.com, marie-christiansen-4166@ecf.pacerpro.com
•Jennifer Witherell Crastz jcrastz@hrhlaw.com
•Ashleigh A Danker Ashleigh.danker@dinsmore.com, SDCMLFiles@DINSMORE.COM; Katrice.ortiz@dinsmore.com
•Clifford S Davidson csdavidson@swlaw.com, jlanglois@swlaw.com; cliff-davidson-7586@ecf.pacerpro.com
•Lei Lei Wang Ekvall lekvall@swelawfirm.com, lgarrett@swelawfirm.com; gcruz@swelawfirm.com; jchung@swelawfirm.com
•Richard W Esterkin richard.esterkin@morganlewis.com
•Timothy W Evanston tevanston@swelawfirm.com, gcruz@swelawfirm.com; lgarrett@swelawfirm.com; jchung@swelawfirm.com
•Jeremy Faith Jeremy@MarguliesFaithlaw.com,
Helen@MarguliesFaithlaw.com; Angela@MarguliesFaithlaw.com; Vicky@MarguliesFaithlaw.com
•James J Finsten jimfinsten@hotmail.com
•Alan W Forsley alan.forsley@flpllp.com, awf@fklawfirm.com, awf@fl-lawyers.net, addy.flores@flpllp.com
•Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
•Andrew Goodman agoodman@andylaw.com, Goodman.AndrewR102467@notify.bestcase.com
•Suzanne C Grandt suzanne.grandt@calbar.ca.gov, joan.randolph@calbar.ca.gov
•Steven T Gubner sgubner@bg.law, ecf@bg.law
•Marshall J Hogan mhogan@swlaw.com, knestuk@swlaw.com
•Sheryl K Ith sith@cookseylaw.com, sith@ecf.courtdrive.com
•Razmig Izakelian razmigizakelian@quinnemanuel.com
•Lewis R Landau Lew@Landaunet.com
•Daniel A Lev dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com; dlev@ecf.inforuptcy.com
•Elizabeth A Lombard elombard@zwickercpc.com, bknotices@zwickercpc.com
•Craig G Margulies Craig@MarguliesFaithlaw.com,
Vicky@MarguliesFaithlaw.com; Helen@MarguliesFaithlaw.com; Angela@MarguliesFaithlaw.com
•Peter J Mastan peter.mastan@dinsmore.com, SDCMLFiles@dinsmore.com; Katrice.ortiz@dinsmore.com
•Edith R. Matthai ematthai@romalaw.com, lrobie@romalaw.com
•Kenneth Miller kmiller@pmcos.com, efilings@pmcos.com
•Elissa Miller (TR) CA71@ecfcbis.com, MillerTrustee@Sulmeyerlaw.com; C124@ecfcbis.com; ccaldwell@sulmeyerlaw.com
•Eric A Mitnick MitnickLaw@aol.com, mitnicklaw@gmail.com
•Scott H Olson solson@vedderprice.com, scott-olson-2161@ecf.pacerpro.com, ecfsfdocket@vedderprice.com, nortega@vedderprice.com
•Leonard Pena lpena@penalaw.com, penasomaecf@gmail.com; penalr72746@notify.bestcase.com
•Michael J Quinn mquinn@vedderprice.com, ecfladocket@vedderprice.com, michael-quinn-2870@ecf.pacerpro.com
•David M Reeder david@reederlaw.com, secretary@reederlaw.com
•Ronald N Richards ron@ronaldrichards.com, morani@ronaldrichards.com
•Kevin C Ronk Kevin@portillorokn.com, Attorneys@portillorokn.com
•William F Savino wsavino@woodsoviatt.com, lherald@woodsoviatt.com
•Kenneth John Shaffer johnshaffer@quinnemanuel.com
•Richard M Steingard , awong@steingardlaw.com
•Philip E Strok pstrok@swelawfirm.com, gcruz@swelawfirm.com; 1garrett@swelawfirm.com; jchung@swelawfirm.com
•Boris Treyzon jfinnerty@actslaw.com, sgonzales@actslaw.com
•United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
•Eric D Winston ericwinston@quinnemanuel.com
•Christopher K.S. Wong christopher.wong@arentfox.com, yvonne.li@arentfox.com
•Timothy J Yoo tjy@lnbyb.com